



Reprinted  
March 23, 2007

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## ENGROSSED SENATE BILL No. 247

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DIGEST OF SB 247 (Updated March 22, 2007 3:28 pm - DI 96)

**Citations Affected:** IC 9-13; IC 9-18; IC 9-24; IC 9-29; IC 9-30.

**Synopsis:** Various motor vehicle matters. Provides that a public passenger chauffeur's license (license) is valid for four years and that the fee for the license is \$8. (Current law provides that the license is valid for two years and that the fee for the license is \$4.) Authorizes the division of court administration to prescribe a: (1) traffic information and summons; or (2) complaint and summons; in an electronic format, to be known as an electronic traffic ticket. Authorizes a law enforcement officer to issue an electronic traffic ticket in lieu of a paper ticket, and authorizes the transmission of an electronic traffic ticket to a court under certain conditions. Allows an electronic traffic ticket to be admissible in a court proceeding under certain circumstances. Requires that a license plate for a passenger car display a numeral that indicates the county in which the passenger car was registered, and states specifications for the size and placement of the county indicator numeral. Makes conforming amendments.

**Effective:** Upon passage; July 1, 2007; January 1, 2008.

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**Mrvan, Drozda, Merritt**

(HOUSE SPONSOR — LAWSON L)

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January 8, 2007, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

February 8, 2007, reported favorably — Do Pass.

February 13, 2007, read second time, amended, ordered engrossed.

February 14, 2007, engrossed.

February 15, 2007, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 26, 2007, read first time and referred to Committee on Roads and Transportation.

March 15, 2007, amended, reported — Do Pass.

March 22, 2007, read second time, amended, ordered engrossed.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 247

A BILL FOR AN ACT to amend the Indiana Code concerning  
motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 9-13-2-49.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2007]: **Sec. 49.5. "Electronic traffic ticket", for purposes of**  
4 **IC 9-30-3, has the meaning set forth in IC 9-30-3-2.5.**  
5 SECTION 2. IC 9-18-2-32 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) Except as  
7 provided in subsection (b), a license plate issued under section 30 of  
8 this chapter:  
9 (1) must be six (6) inches wide and twelve (12) inches long;  
10 (2) must display:  
11 (A) the registration number assigned to the vehicle for which  
12 the plate is issued;  
13 (B) the letters "IN"; and  
14 (C) the year for which the plate is issued;  
15 (3) may have a prefix of at least one (1) letter of the alphabet to  
16 designate the type of vehicle registered; and  
17 (4) shall be treated with special reflective material designed to

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increase the visibility and legibility of the license plate.

**The bureau must comply with section 36 of this chapter.**

(b) The bureau may issue license plates in a different size or character if the bureau determines that the change is appropriate to effect the proper display of the license plates.

SECTION 3. IC 9-18-2-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 36. (a) A license plate issued for a passenger car must display a numeral that indicates the county in which the passenger car was registered.

**(b) The numeral described in subsection (a) must be:**

**(1) two and three-quarters (2 3/4) inches high; and**

**(2) displayed at the location on the license plate where the county designator was located on January 1, 2007.**

**The bureau may not alter the size or the position of the county indicator numeral.**

SECTION 4. IC 9-24-12-3, AS AMENDED BY P.L.41-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE January 1, 2008]: Sec. 3. Except as provided in section 11 of this chapter, a public passenger chauffeur's license issued under this article ~~after December 31, 1996~~, expires at midnight of the birthday of the holder that occurs ~~two (2)~~ **four (4)** years following the date of issuance.

SECTION 5. IC 9-29-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE January 1, 2008]: Sec. 5. The fee for a public passenger chauffeur's license issued under IC 9-24-5 is ~~four~~ **eight** dollars ~~(\$4)~~ **(\$8)**.

SECTION 6. IC 9-30-3-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. (a) As used in this chapter, "electronic traffic ticket" means:

**(1) a traffic information and summons; or**

**(2) a complaint and summons;**

**for traffic cases that is in an electronic format prescribed by the division of state court administration.**

**(b) An electronic traffic ticket may be referred to as an "e-citation".**

SECTION 7. IC 9-30-3-5.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.3. **In prescribing the contents of an electronic traffic ticket, the division of state court administration shall require the inclusion in an electronic traffic ticket of the contents required in an information and summons under section 6 of this chapter. The division of state court administration may modify the**

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prescribed contents of an electronic traffic ticket as necessary for the ticket to be in an electronic format.

SECTION 8. IC 9-30-3-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.7. (a) When a law enforcement officer issues an electronic traffic ticket, the law enforcement officer:

(1) may print the electronic traffic ticket at the site of the traffic violation; and

(2) shall inform the individual to whom the electronic traffic ticket has been issued and note on the electronic traffic ticket whether the individual must appear in court on a specific date at a specific time.

(b) An electronic traffic ticket issued under this chapter that bears a printed or digital signature of:

(1) the law enforcement officer who issued the electronic traffic ticket; and

(2) the prosecuting attorney, or a representative of the office of the prosecuting attorney, of the county in which the electronic traffic ticket was issued;

is admissible in a court proceeding as if the signatures referred to in subdivisions (1) and (2) were original signatures.

(c) A law enforcement officer who issues an electronic traffic ticket may transmit the electronic traffic ticket to the court electronically if the court and the electronic traffic ticket are in compliance with the administrative rules adopted by the supreme court.

(d) A law enforcement officer who issues an electronic traffic ticket shall indicate on the electronic traffic ticket whether the law enforcement officer served the person receiving the electronic traffic ticket.

(e) The electronic transmission of an electronic traffic ticket shall be considered by the court as an original certified copy of the traffic information and summons or complaint and summons. An electronic traffic ticket may be used:

(1) to notify the bureau of an Indiana resident who fails to:

(A) appear; or

(B) answer a traffic information and summons or complaint and summons;

(2) to notify the bureau of a defendant who is not an Indiana resident and who fails to:

(A) appear; or

(B) answer a traffic information and summons;

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(3) to notify the bureau upon a final determination of a defendant's failure to appear; or

(4) as a record of a traffic case that an individual has been charged with a traffic offense when:

(A) the individual has been convicted;

(B) a judgment has been entered; or

(C) a finding has been made by a court.

SECTION 9. IC 9-30-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) **This section does not apply to electronic traffic tickets.**

(b) In traffic cases, the information and summons shall be in substantially the following form:

In the \_\_\_\_\_ Court of \_\_\_\_\_ County

Cause No. \_\_\_\_\_ Docket No. \_\_\_\_\_

Page No. \_\_\_\_\_

State of Indiana

SS: \_\_\_\_\_ No. \_\_\_\_\_

County of \_\_\_\_\_

#### INFORMATION AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:

On the \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_ M

Name \_\_\_\_\_

Last First Middle

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Race \_\_\_\_ Sex \_\_\_\_ Age \_\_\_\_ D.O.B. \_\_\_\_ HT \_\_\_\_ WT \_\_\_\_

Oper. Lic. # \_\_\_\_\_ St. \_\_\_\_\_ Did Unlawfully

Operate Veh. Color \_\_\_\_\_ Veh. Yr. \_\_\_\_ Veh. Make \_\_\_\_\_

Veh. Lic. Yr. \_\_\_\_ Veh. Lic. St. \_\_\_\_ Veh. Lic. # \_\_\_\_\_

Upon, (Location) \_\_\_\_\_

A PUBLIC STREET OR HIGHWAY IN \_\_\_\_\_

COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

CONTRARY TO THE FORM OF THE ( ) STATE STATUTE  
( ) LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.  
OFFICER'S SIGNATURE \_\_\_\_\_

I.D. No. \_\_\_\_\_ Div. Dist. \_\_\_\_\_

POLICE AGENCY \_\_\_\_\_

Subscribed And Sworn to Before Me

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1 (Deputy Clerk) \_\_\_\_\_  
 2 This \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_  
 3 COURT APPEARANCE  
 4 I PROMISE TO APPEAR IN COURTROOM  
 5 \_\_\_\_\_  
 6 ADDRESS: \_\_\_\_\_  
 7 ON \_\_\_\_\_ THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_ AT  
 8 \_\_\_\_ M. OR BE SUBJECT TO ARREST.  
 9 SIGNATURE \_\_\_\_\_  
 10 "YOUR SIGNATURE IS NOT AN ADMISSION OF GUILT"  
 11 The information and summons shall consist of four (4) parts:  
 12 (1) the original copy, printed on white paper, which shall be the  
 13 abstract of court record for the Indiana bureau of motor vehicles;  
 14 (2) the court copy, printed on white paper;  
 15 (3) the police record, which shall be a copy of the information,  
 16 printed on pink paper; and  
 17 (4) the summons copy, printed on white stock.  
 18 The reverse sides of the information and abstract of court record  
 19 shall be substantially as follows, with such additions or deletions as are  
 20 necessary to adapt the form to the court involved:  
 21 RECEIPT # \_\_\_\_\_  
 22 DATE \_\_\_\_\_  
 23 COURT ACTION AND OTHER ORDERS  
 24 BAIL \$ \_\_\_\_\_  
 25 REARREST BOND \$ \_\_\_\_\_ DATE \_\_\_\_\_  
 26 1. CONTINUANCE TO \_\_\_\_ 4. CONTINUANCE TO \_\_\_\_  
 27 2. CONTINUANCE TO \_\_\_\_ 5. CONTINUANCE TO \_\_\_\_  
 28 3. CONTINUANCE TO \_\_\_\_ 6. CONTINUANCE TO \_\_\_\_  
 29 Motions Date Ruling Date  
 30 1. \_\_\_\_ \_\_\_\_ \_\_\_\_ \_\_\_\_  
 31 2. \_\_\_\_ \_\_\_\_ \_\_\_\_ \_\_\_\_  
 32 3. \_\_\_\_ \_\_\_\_ \_\_\_\_ \_\_\_\_  
 33 4. \_\_\_\_ \_\_\_\_ \_\_\_\_ \_\_\_\_  
 34 PLEA ( ) GUILTY  
 35 ( ) NOT GUILTY  
 36 FINDING ( ) GUILTY  
 37 ( ) NOT GUILTY  
 38 THE COURT THEREFORE, ENTERS  
 39 THE FOLLOWING ORDER  
 40 FINE \$ \_\_\_\_\_ AMOUNT SUSP. \$ \_\_\_\_\_  
 41 (STATE) \$ \_\_\_\_\_  
 42 COSTS

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1 (CITY) \$ \_\_\_\_\_  
 2 \_\_\_\_\_ DAYS IN \_\_\_\_\_ DAYS SUSP.  
 3 \_\_\_\_\_  
 4 ( ) RECOMMENDED LICENSE SUSPENDED FOR \_\_\_\_\_  
 5 ( ) PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR  
 6 PROBATION  
 7 \_\_\_\_\_  
 8 \_\_\_\_\_  
 9 \_\_\_\_\_  
 10 \_\_\_\_\_  
 11 JUDGE: \_\_\_\_\_  
 12 DATE: \_\_\_\_\_  
 13 ATTORNEY FOR DEFENDANT \_\_\_\_\_  
 14 ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_  
 15 WITNESSES

16 \_\_\_\_\_  
 17 \_\_\_\_\_  
 18 The notice, the appearance, the plea of either guilty or not guilty,  
 19 and the waiver shall be printed on the summons. The trimmed size of  
 20 the paper and stock on which the form is printed shall be nominally  
 21 four and one quarter (4 1/4) inches by eight and one quarter (8 1/4)  
 22 inches.

23 (b) (c) In civil traffic cases, the complaint and summons shall be  
 24 in substantially the following form:

25 In the \_\_\_\_\_ Court of \_\_\_\_\_ County  
 26 Cause No. \_\_\_\_\_ Docket No. \_\_\_\_\_  
 27 Page No. \_\_\_\_\_  
 28 State of Indiana  
 29 SS: No. \_\_\_\_\_  
 30 County of \_\_\_\_\_

### 31 COMPLAINT AND SUMMONS

32 The undersigned having probable cause to believe and being duly  
 33 sworn upon his oath says that:

34 On the \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_ M  
 35 Name \_\_\_\_\_  
 36 Last First Middle  
 37 Street \_\_\_\_\_  
 38 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 39 Race \_\_\_\_ Sex \_\_\_\_ Age \_\_\_\_ D.O.B. \_\_\_\_\_ HT \_\_\_\_ WT \_\_\_\_  
 40 Oper. Lic. # \_\_\_\_\_ St. \_\_\_\_\_ Did Unlawfully  
 41 Operate Veh. Color \_\_\_\_\_ Veh. Yr. \_\_\_\_ Veh. Make \_\_\_\_\_  
 42 Veh. Lic. Yr. \_\_\_\_ Veh. Lic. St. \_\_\_\_ Veh. Lic. # \_\_\_\_\_

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1 Upon, (Location) \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 A PUBLIC STREET OR HIGHWAY IN \_\_\_\_\_  
 4 COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_  
 7 \_\_\_\_\_  
 8 CONTRARY TO THE FORM OF THE ( ) STATE STATUTE  
 9 ( ) LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.  
 10 OFFICER'S SIGNATURE \_\_\_\_\_  
 11 I.D. No. \_\_\_\_\_ Div. Dist. \_\_\_\_\_  
 12 POLICE AGENCY \_\_\_\_\_  
 13 Subscribed And Sworn to Before Me  
 14 (Deputy Clerk) \_\_\_\_\_  
 15 This \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_  
 16 COURT APPEARANCE  
 17 I PROMISE TO APPEAR IN \_\_\_\_\_  
 18 COURTROOM \_\_\_\_\_  
 19 ADDRESS: \_\_\_\_\_  
 20 ON \_\_\_\_\_ THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_  
 21 AT \_\_\_\_ M. OR BE SUBJECT TO ARREST.  
 22 SIGNATURE \_\_\_\_\_  
 23 "YOUR SIGNATURE IS NOT AN ADMISSION OF A VIOLATION"  
 24 The complaint and summons shall consist of four (4) parts:  
 25 (1) the original copy, printed on white paper, which shall be the  
 26 abstract of court record for the Indiana bureau of motor vehicles;  
 27 (2) the court copy, printed on white paper;  
 28 (3) the police record, which shall be a copy of the complaint,  
 29 printed on pink paper; and  
 30 (4) the summons copy, printed on white stock.  
 31 The reverse sides of the complaint and abstract of court record  
 32 shall be substantially as follows, with such additions or deletions as are  
 33 necessary to adapt the form to the court involved:  
 34 RECEIPT # \_\_\_\_\_  
 35 DATE \_\_\_\_\_  
 36 COURT ACTION AND OTHER ORDERS  
 37 BAIL \$ \_\_\_\_\_  
 38 REARREST BOND \$ \_\_\_\_\_ DATE \_\_\_\_\_  
 39 1. CONTINUANCE TO \_\_\_\_\_ 4. CONTINUANCE TO \_\_\_\_\_  
 40 2. CONTINUANCE TO \_\_\_\_\_ 5. CONTINUANCE TO \_\_\_\_\_  
 41 3. CONTINUANCE TO \_\_\_\_\_ 6. CONTINUANCE TO \_\_\_\_\_  
 42 Motions Date Ruling Date

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1 1. \_\_\_\_\_  
 2 2. \_\_\_\_\_  
 3 3. \_\_\_\_\_  
 4 4. \_\_\_\_\_  
 5 PLEA ☐ ADMIT  
 6 ☐ DENY  
 7 ☐ NOLO CONTENDERE  
 8 FINDING ☐ JUDGMENT FOR PLAINTIFF  
 9 ☐ JUDGMENT FOR DEFENDANT  
 10 THE COURT THEREFORE, ENTERS  
 11 THE FOLLOWING ORDER  
 12 FINE \$ \_\_\_\_\_ AMOUNT SUSP. \$ \_\_\_\_\_  
 13 (STATE) \$ \_\_\_\_\_  
 14 COSTS  
 15 (CITY) \$ \_\_\_\_\_  
 16 ☐ RECOMMENDED LICENSE SUSPENDED FOR \_\_\_\_\_  
 17 ☐ PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR  
 18 PROBATION  
 19 \_\_\_\_\_  
 20 \_\_\_\_\_  
 21 \_\_\_\_\_  
 22 \_\_\_\_\_  
 23 \_\_\_\_\_  
 24 JUDGE: \_\_\_\_\_  
 25 DATE: \_\_\_\_\_  
 26 ATTORNEY FOR DEFENDANT \_\_\_\_\_  
 27 ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_  
 28 WITNESSES  
 29 \_\_\_\_\_  
 30 \_\_\_\_\_

31 The notice, appearance, plea of either admission, denial, or nolo  
 32 contendere shall be printed on the summons. The trimmed size of the  
 33 paper and stock on which the form is printed shall be nominally four  
 34 and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

35 ~~(c)~~ (d) The complaint form shall be used in traffic cases, whether  
 36 the charge is made by a law enforcement officer or by any other person.

37 ~~(d)~~ (e) Each judicial officer or police authority issuing traffic  
 38 complaints and summons:

39 (1) is responsible for the disposition of all the traffic complaints  
 40 and summons issued under the authority of the officer or  
 41 authority; and

42 (2) shall prepare and submit the records and reports relating to the

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1 traffic complaints in the manner and at the time prescribed by  
 2 both the state examiner of the state board of accounts and the  
 3 bureau.

4 SECTION 10. IC 9-30-3-8 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The court may  
 6 issue a warrant for the arrest of a defendant who is an Indiana resident  
 7 and who fails to appear or answer a traffic information and summons  
 8 or a complaint and summons served upon the defendant. If the warrant  
 9 is not executed within thirty (30) days after issue, the court shall  
 10 promptly forward the court copy of the traffic information and  
 11 summons or complaint and summons to the bureau indicating that the  
 12 defendant failed to appear in court as ordered. The court shall then  
 13 mark the case as failure to appear on the court's records.

14 (b) If a defendant who is not an Indiana resident fails to appear or  
 15 answer a traffic summons served upon the defendant and upon which  
 16 the information or complaint has been filed thirty (30) days after the  
 17 return date of the information and summons or complaint and  
 18 summons, the court shall promptly forward the court copy of the traffic  
 19 information and summons or complaint and summons to the bureau.  
 20 The bureau shall notify the motor vehicle commission of the state of  
 21 the nonresident defendant of the defendant's failure to appear and also  
 22 of any action taken by the bureau relative to the Indiana driving  
 23 privileges of the defendant. If the defendant fails to appear or otherwise  
 24 answer within thirty (30) days, the court shall mark the case as failure  
 25 to appear on the court's records.

26 (c) If the bureau receives a copy of the traffic information and  
 27 summons or complaint and summons for failure to appear in court  
 28 **either on a form prescribed by the bureau or in an electronic**  
 29 **format prescribed by the division of state court administration**, the  
 30 bureau shall suspend the driving privileges of the defendant until the  
 31 defendant appears in court and the case has been disposed of. The  
 32 order of suspension may be served upon the defendant by mailing the  
 33 order by first class mail to the defendant at the last address shown for  
 34 the defendant in the records of the bureau. The order takes effect on the  
 35 date the order is mailed.

36 (d) For nonresidents of Indiana, the order of suspension shall be  
 37 mailed to the defendant at the address given to the arresting officer by  
 38 the defendant as shown by the traffic information or complaint. The  
 39 order takes effect on the date of mailing. A copy of the order shall also  
 40 be sent to the motor vehicle bureau of the state of the nonresident  
 41 defendant. If:

42 (1) the defendant's failure to appear in court has been certified to

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the bureau under this chapter; and

(2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination **either in an electronic format or** upon forms prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and **information from** the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 11. IC 9-30-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

(1) engage counsel;

(2) a reasonable continuance to engage counsel to subpoena witnesses;

(3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;

(4) testify or not to testify in the defendant's own behalf;

(5) a trial by jury; and

(6) appeal.

(b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.

(c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment **in an electronic format** or an abstract as prescribed by IC 9-25-6-8. The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the bureau, send the information **in an electronic format or** in the form of a chemical based, magnetic, or machine

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1 readable media. Records of nonmoving traffic offenses are not required  
2 to be forwarded to the bureau.

3 (d) One (1) year after the abstract has been forwarded, the court may  
4 destroy the remaining court copies of the information and summons or  
5 complaint and summons and related pleadings if an order book entry  
6 of the copy has been made and the original copy has been sent to the  
7 bureau of motor vehicles.

8 (e) Upon the failure of a court officer to comply with subsection (c),  
9 the officer is liable on the officer's official bond for a civil penalty of  
10 one hundred dollars (\$100) accruing to the state, which may be  
11 recovered, together with the costs of the suit, in a civil action brought  
12 by the attorney general in the name of the state on relation of the  
13 attorney general. Each failure by an officer constitutes a separate cause  
14 of action.

15 SECTION 12. **An emergency is declared for this act.**

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SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Senate Bill 247.

MRVAN

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SENATE MOTION

Madam President: I move that Senator Merritt be added as coauthor of Senate Bill 247.

MRVAN

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 247, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 247 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 247 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE January 1, 2008]".

(Reference is to SB 247 as printed February 9, 2007.)

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 247, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-49.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 49.5. "Electronic traffic ticket", for purposes of IC 9-30-3, has the meaning set forth in IC 9-30-3-2.5.**"

Page 1, after line 10, begin a new paragraph and insert:

"SECTION 3. IC 9-30-3-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.5. (a) As used in this chapter, "electronic traffic ticket" means:**

- (1) a traffic information and summons; or**
- (2) a complaint and summons;**

**for traffic cases that is in an electronic format prescribed by the division of state court administration.**

**(b) An electronic traffic ticket may be referred to as an "e-citation".**

SECTION 4. IC 9-30-3-5.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.3. In prescribing the contents of an electronic traffic ticket, the division of state court administration shall require the inclusion in an electronic traffic ticket of the contents required in an information and summons under section 6 of this chapter. The division of state court administration may modify the prescribed contents of an electronic traffic ticket as necessary for the ticket to be in an electronic format.**

SECTION 5. IC 9-30-3-5.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.7. (a) When a law enforcement officer issues an electronic traffic ticket, the law enforcement officer:**

- (1) may print the electronic traffic ticket at the site of the traffic violation; and**
- (2) shall inform the individual to whom the electronic traffic ticket has been issued and note on the electronic traffic ticket whether the individual must appear in court on a specific date at a specific time.**

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(b) An electronic traffic ticket issued under this chapter that bears a printed or digital signature of:

- (1) the law enforcement officer who issued the electronic traffic ticket; and
- (2) the prosecuting attorney, or a representative of the office of the prosecuting attorney, of the county in which the electronic traffic ticket was issued;

is admissible in a court proceeding as if the signatures referred to in subdivisions (1) and (2) were original signatures.

(c) A law enforcement officer who issues an electronic traffic ticket may transmit the electronic traffic ticket to the court electronically if the court and the electronic traffic ticket are in compliance with the administrative rules adopted by the supreme court.

(d) A law enforcement officer who issues an electronic traffic ticket shall indicate on the electronic traffic ticket whether the law enforcement officer served the person receiving the electronic traffic ticket.

(e) The electronic transmission of an electronic traffic ticket shall be considered by the court as an original certified copy of the traffic information and summons or complaint and summons. An electronic traffic ticket may be used:

- (1) to notify the bureau of an Indiana resident who fails to:
  - (A) appear; or
  - (B) answer a traffic information and summons or complaint and summons;
- (2) to notify the bureau of a defendant who is not an Indiana resident and who fails to:
  - (A) appear; or
  - (B) answer a traffic information and summons;
- (3) to notify the bureau upon a final determination of a defendant's failure to appear; or
- (4) as a record of a traffic case that an individual has been charged with a traffic offense when:
  - (A) the individual has been convicted;
  - (B) a judgment has been entered; or
  - (C) a finding has been made by a court.

SECTION 6. IC 9-30-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) **This section does not apply to electronic traffic tickets.**

(b) In traffic cases, the information and summons shall be in substantially the following form:

**C**  
**O**  
**P**  
**Y**



In the \_\_\_\_\_ Court of \_\_\_\_\_ County  
 Cause No. \_\_\_\_\_ Docket No. \_\_\_\_\_  
 Page No. \_\_\_\_\_  
 State of Indiana  
 SS: \_\_\_\_\_ No. \_\_\_\_\_  
 County of \_\_\_\_\_

### INFORMATION AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:

On the \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_ M

Name \_\_\_\_\_  
 Last First Middle

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Race \_\_\_\_ Sex \_\_\_\_ Age \_\_\_\_ D.O.B. \_\_\_\_\_ HT \_\_\_\_ WT \_\_\_\_

Oper. Lic. # \_\_\_\_\_ St. \_\_\_\_\_ Did Unlawfully

Operate Veh. Color \_\_\_\_\_ Veh. Yr. \_\_\_\_ Veh. Make \_\_\_\_\_

Veh. Lic. Yr. \_\_\_\_ Veh. Lic. St. \_\_\_\_ Veh. Lic. # \_\_\_\_\_

Upon, (Location) \_\_\_\_\_

A PUBLIC STREET OR HIGHWAY IN \_\_\_\_\_  
 COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

CONTRARY TO THE FORM OF THE ( ) STATE STATUTE  
 ( ) LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.  
 OFFICER'S SIGNATURE \_\_\_\_\_

I.D. No. \_\_\_\_\_ Div. Dist. \_\_\_\_\_

POLICE AGENCY \_\_\_\_\_

Subscribed And Sworn to Before Me

(Deputy Clerk) \_\_\_\_\_

This \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_

### COURT APPEARANCE

I PROMISE TO APPEAR IN COURTROOM

ADDRESS: \_\_\_\_\_

ON \_\_\_\_\_ THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_ AT  
 \_\_\_\_ M. OR BE SUBJECT TO ARREST.

SIGNATURE \_\_\_\_\_

"YOUR SIGNATURE IS NOT AN ADMISSION OF GUILT"

The information and summons shall consist of four (4) parts:

(1) the original copy, printed on white paper, which shall be the



**C**  
**O**  
**P**  
**Y**



- abstract of court record for the Indiana bureau of motor vehicles;  
 (2) the court copy, printed on white paper;  
 (3) the police record, which shall be a copy of the information,  
 printed on pink paper; and  
 (4) the summons copy, printed on white stock.

The reverse sides of the information and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT # \_\_\_\_\_

DATE \_\_\_\_\_

### COURT ACTION AND OTHER ORDERS

BAIL \$ \_\_\_\_\_

REARREST BOND \$ \_\_\_\_\_ DATE \_\_\_\_\_

1. CONTINUANCE TO \_\_\_\_\_ 4. CONTINUANCE TO \_\_\_\_\_

2. CONTINUANCE TO \_\_\_\_\_ 5. CONTINUANCE TO \_\_\_\_\_

3. CONTINUANCE TO \_\_\_\_\_ 6. CONTINUANCE TO \_\_\_\_\_

	Motions	Date	Ruling	Date
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

PLEA ☐ GUILTY  
☐ NOT GUILTY

FINDING ☐ GUILTY  
☐ NOT GUILTY

THE COURT THEREFORE, ENTERS  
 THE FOLLOWING ORDER

FINE \$ \_\_\_\_\_ AMOUNT SUSP. \$ \_\_\_\_\_  
 (STATE) \$ \_\_\_\_\_

COSTS

(CITY) \$ \_\_\_\_\_  
 \_\_\_\_\_ DAYS IN \_\_\_\_\_ DAYS SUSP.

☐ RECOMMENDED LICENSE SUSPENDED FOR \_\_\_\_\_  
☐ PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR  
 PROBATION

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

JUDGE: \_\_\_\_\_

DATE: \_\_\_\_\_

ES 247—LS 6861/DI 96+



**C**  
**O**  
**p**  
**y**

ATTORNEY FOR DEFENDANT \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_  
 WITNESSES \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The notice, the appearance, the plea of either guilty or not guilty, and the waiver shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

~~(b)~~ (c) In civil traffic cases, the complaint and summons shall be in substantially the following form:

In the \_\_\_\_\_ Court of \_\_\_\_\_ County  
 Cause No. \_\_\_\_\_ Docket No. \_\_\_\_\_  
 Page No. \_\_\_\_\_  
 State of Indiana

SS: No. \_\_\_\_\_

County of \_\_\_\_\_

### COMPLAINT AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:

On the \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_ M  
 Name \_\_\_\_\_  
 Last First Middle

Street \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Race \_\_\_\_ Sex \_\_\_\_ Age \_\_\_\_ D.O.B. \_\_\_\_\_ HT \_\_\_\_ WT \_\_\_\_  
 Oper. Lic. # \_\_\_\_\_ St. \_\_\_\_\_ Did Unlawfully  
 Operate Veh. Color \_\_\_\_\_ Veh. Yr. \_\_\_\_ Veh. Make \_\_\_\_\_  
 Veh. Lic. Yr. \_\_\_\_ Veh. Lic. St. \_\_\_\_ Veh. Lic. # \_\_\_\_\_  
 Upon, (Location) \_\_\_\_\_

\_\_\_\_\_

A PUBLIC STREET OR HIGHWAY IN \_\_\_\_\_  
 COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

\_\_\_\_\_

\_\_\_\_\_

CONTRARY TO THE FORM OF THE ( ) STATE STATUTE  
 ( ) LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.  
 OFFICER'S SIGNATURE \_\_\_\_\_  
 I.D. No. \_\_\_\_\_ Div. Dist. \_\_\_\_\_  
 POLICE AGENCY \_\_\_\_\_

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Subscribed And Sworn to Before Me

(Deputy Clerk) \_\_\_\_\_

This \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_

COURT APPEARANCE

I PROMISE TO APPEAR IN \_\_\_\_\_

COURTROOM \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ON \_\_\_\_\_ THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

AT \_\_ M. OR BE SUBJECT TO ARREST.

SIGNATURE \_\_\_\_\_

"YOUR SIGNATURE IS NOT AN ADMISSION OF A VIOLATION"

The complaint and summons shall consist of four (4) parts:

- (1) the original copy, printed on white paper, which shall be the abstract of court record for the Indiana bureau of motor vehicles;
- (2) the court copy, printed on white paper;
- (3) the police record, which shall be a copy of the complaint, printed on pink paper; and
- (4) the summons copy, printed on white stock.

The reverse sides of the complaint and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT # \_\_\_\_\_

DATE \_\_\_\_\_

COURT ACTION AND OTHER ORDERS

BAIL \$ \_\_\_\_\_

REARREST BOND \$ \_\_\_\_\_ DATE \_\_\_\_\_

- |                         |                         |
|-------------------------|-------------------------|
| 1. CONTINUANCE TO _____ | 4. CONTINUANCE TO _____ |
| 2. CONTINUANCE TO _____ | 5. CONTINUANCE TO _____ |
| 3. CONTINUANCE TO _____ | 6. CONTINUANCE TO _____ |

	Motions	Date	Ruling	Date
1.	____	____	____	____
2.	____	____	____	____
3.	____	____	____	____
4.	____	____	____	____

PLEA      ☐ ADMIT  
☐ DENY  
☐ NOLO CONTENDERE

FINDING    ☐ JUDGMENT FOR PLAINTIFF  
☐ JUDGMENT FOR DEFENDANT

THE COURT THEREFORE, ENTERS

THE FOLLOWING ORDER

FINE \$ \_\_\_\_\_ AMOUNT SUSP. \$ \_\_\_\_\_

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(STATE) \$ \_\_\_\_\_

COSTS

(CITY) \$ \_\_\_\_\_

() RECOMMENDED LICENSE SUSPENDED FOR \_\_\_\_\_

() PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR  
PROBATION\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

JUDGE: \_\_\_\_\_

DATE: \_\_\_\_\_

ATTORNEY FOR DEFENDANT \_\_\_\_\_

ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_

WITNESSES

\_\_\_\_\_  
\_\_\_\_\_

The notice, appearance, plea of either admission, denial, or nolo contendere shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

~~(c)~~ (d) The complaint form shall be used in traffic cases, whether the charge is made by a law enforcement officer or by any other person.

~~(d)~~ (e) Each judicial officer or police authority issuing traffic complaints and summons:

- (1) is responsible for the disposition of all the traffic complaints and summons issued under the authority of the officer or authority; and
- (2) shall prepare and submit the records and reports relating to the traffic complaints in the manner and at the time prescribed by both the state examiner of the state board of accounts and the bureau.

SECTION 7. IC 9-30-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The court may issue a warrant for the arrest of a defendant who is an Indiana resident and who fails to appear or answer a traffic information and summons or a complaint and summons served upon the defendant. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to

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appear on the court's records.

(b) If a defendant who is not an Indiana resident fails to appear or answer a traffic summons served upon the defendant and upon which the information or complaint has been filed thirty (30) days after the return date of the information and summons or complaint and summons, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau. The bureau shall notify the motor vehicle commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau relative to the Indiana driving privileges of the defendant. If the defendant fails to appear or otherwise answer within thirty (30) days, the court shall mark the case as failure to appear on the court's records.

(c) If the bureau receives a copy of the traffic information and summons or complaint and summons for failure to appear in court **either on a form prescribed by the bureau or in an electronic format prescribed by the division of state court administration**, the bureau shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of. The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for the defendant in the records of the bureau. The order takes effect on the date the order is mailed.

(d) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer by the defendant as shown by the traffic information or complaint. The order takes effect on the date of mailing. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident defendant. If:

- (1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and
- (2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination **either in an electronic format or** upon forms prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and **information from** the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 8. IC 9-30-3-11 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

- (1) engage counsel;
- (2) a reasonable continuance to engage counsel to subpoena witnesses;
- (3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;
- (4) testify or not to testify in the defendant's own behalf;
- (5) a trial by jury; and
- (6) appeal.

(b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.

(c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment **in an electronic format** or an abstract as prescribed by IC 9-25-6-8. The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the bureau, send the information **in an electronic format or** in the form of a chemical based, magnetic, or machine readable media. Records of nonmoving traffic offenses are not required to be forwarded to the bureau.

(d) One (1) year after the abstract has been forwarded, the court may destroy the remaining court copies of the information and summons or complaint and summons and related pleadings if an order book entry of the copy has been made and the original copy has been sent to the bureau of motor vehicles.

(e) Upon the failure of a court officer to comply with subsection (c), the officer is liable on the officer's official bond for a civil penalty of one hundred dollars (\$100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought by the attorney general in the name of the state on relation of the

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attorney general. Each failure by an officer constitutes a separate cause of action."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 247 as reprinted February 14, 2007.)

AUSTIN, Chair

Committee Vote: yeas 11, nays 0.

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### HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 247 be amended to read as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 9-18-2-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) Except as provided in subsection (b), a license plate issued under section 30 of this chapter:

- (1) must be six (6) inches wide and twelve (12) inches long;
- (2) must display:
  - (A) the registration number assigned to the vehicle for which the plate is issued;
  - (B) the letters "IN"; and
  - (C) the year for which the plate is issued;
- (3) may have a prefix of at least one (1) letter of the alphabet to designate the type of vehicle registered; and
- (4) shall be treated with special reflective material designed to increase the visibility and legibility of the license plate.

**The bureau must comply with section 36 of this chapter.**

(b) The bureau may issue license plates in a different size or character if the bureau determines that the change is appropriate to effect the proper display of the license plates.

SECTION 3. IC 9-18-2-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 36. (a) A license plate issued for a passenger car must display a numeral that indicates the county in which the passenger car was registered.

**(b) The numeral described in subsection (a) must be:**

- (1) two and three-quarters (2 3/4) inches high; and**
- (2) displayed at the location on the license plate where the county designator was located on January 1, 2007.**



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**The bureau may not alter the size or the position of the county indicator numeral."**

Page 10, after line 28, begin a new paragraph and insert:  
"SECTION 12. **An emergency is declared for this act.**".  
Renumber all SECTIONS consecutively.

(Reference is to ESB 247 as printed March 16, 2007.)

Representative Saunders

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